

County Commission

Duties

The county legislative body is the primary policy-making body in the county. However, the county legislative body is limited to the authority granted to it by the General Assembly in public (general) or private (local) acts. The most important function of the county legislative body is the annual adoption of a budget to allocate expenditures within the three major funds of county government, general, school, and highway and any other funds (such as debt service) that may be in existence in that particular county. The county legislative body has considerable discretion in dealing with the budget for all funds except the school budget, which in most counties must be accepted or rejected as a whole. If rejected, the school board must continue to propose alternatives until a budget is adopted by both the county school board and the county legislative body. The county legislative body sets a property tax rate which, along with revenues from other county taxes and fees as well as state and federal monies allocated to the county, are used to fund the budget. The county legislative body is subject to various restrictions in imposing most taxes (such as referendum approval or rate limits, for example), although these do not apply to the property tax. The county legislative body serves an important role in exercising local approval authority for private acts when the private act does not call for referendum approval. Private acts, which often give additional authority to counties, must be approved by a two-thirds vote of the members of the county legislative body or be approved by a referendum in order to become effective. The form of local approval required is specified in the private act.

The county legislative body annually elects a chairman and a chairman pro tempore. The county legislative body may elect the county executive or a member of the body to be the chairman, although the county executive may refuse to serve. If the county executive is chairman, he or she may vote only to break a tie vote. If a member is chairman, the member votes as a member, but cannot vote again to break a tie. If the county executive is not chairman, he or she may veto most resolutions of the county legislative body, but this veto may be overridden by a majority vote. The majority vote that is required for this and the passage of resolutions or other measures is a majority of the entire actual membership of the county legislative body, and not a majority of the quorum, nor a majority of the authorized membership.

Another important function of the county legislative body is its role in electing county officers when there is a vacancy in an elected county office. The person elected by the county legislative body serves in the office for the remainder of the term or until a successor is elected, depending upon when the vacancy occurred. When filling a vacancy in a county office, the county legislative body must publish a notice in a newspaper of general circulation in the county at least one week prior to the meeting in which the vote will be taken. This notice must state the time, place and date of the meeting and the office to be filled. Also, members of the county legislative body must have at least ten days notice. The legislative body holds an open election to fill the vacancy and allows all citizens the privilege of offering as candidates.

Meetings

The county legislative body may fix the times for its regular meetings, but must hold at least one regular meeting each calendar quarter. The trend is to hold more meetings as the responsibilities of county government have expanded over the past decades. Most county legislative bodies now hold regular monthly meetings. The county executive has the power to call a special meeting of the county legislative body. Also, a majority of the county commissioners may call a special meeting by making application to the chairman of the county legislative body. (Shelby and Davidson counties are excepted from the general law on this subject, and have somewhat different provisions under their county or metropolitan government charter provisions.) In general, the call for a special meeting must be made in a newspaper publication or by personal notices to the county commissioners sent by the county clerk. This notice must be at least five days before the time for convening the county legislative body. Special rules for a meeting to fill a vacancy are discussed above. The duties and procedures of the county legislative body may vary in counties with metropolitan forms of government.

Other Matters

It is important that members of the county legislative body be familiar with the applicable state and federal laws which may affect the county, its business and its employees. Also, the county legislative body members should have a basic understanding of potential liability, both personal liability and county liability, and of the Tennessee Governmental Tort Liability Act. Every county official should be familiar with the conflict of interest and disclosure laws applicable to their offices.